

In the
Indiana Supreme Court

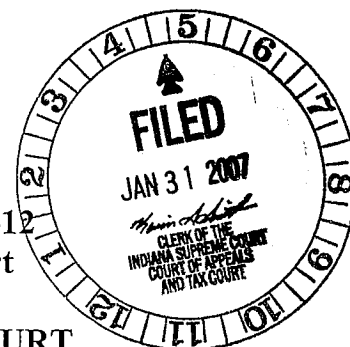
JERRY STATON

vs.

TIPPECANOE COUNTY ADULT
PROTECTIVE SERVICES and
ANGELA SHAY, DAWN GROSS and
JERRY BEAN as Officials Thereof

Supreme Court No. 91S00-0701-SJ-37

Case No. 91C01-0607-PL-12
in the White Circuit Court



ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the White Circuit Court, and pursuant to the direction of the Honorable Robert W. Thacker, Judge of the White Circuit Court, submits this cause to this Court for a determination of plaintiff's Ind. Trial Rule 53.1 praecipe.


And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the White Circuit Court for a determination by the clerk of the issue raised by plaintiff's praecipe filed on December 4, 2006, as provided in Ind. Trial Rule 53.1(E). The procedure set out in Ind. Trial Rule 53.1 does not provide for the intervention of the trial court judge as occurred here. The initial determination of whether or not a ruling has been delayed beyond the time limitation of Ind. Trial Rule 53.1 rests with the clerk, not the trial court judge.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the White Circuit Court for a determination by the clerk of the issue raised by plaintiff's praecipe filed on December 4, 2006, as provided in Ind. Trial Rule 53.1(E).

The Clerk of this Court is directed to forward notice of this Order to the Hon. Robert W. Thacker, White Circuit Court, Courthouse, P.O. Box 230, Monticello, IN 47960-0230, and to the Clerk of the White Circuit Court.

The Clerk of the White Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 31st day of January, 2007.


Randall T. Shepard
Chief Justice of Indiana